

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 5-19-03

109

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-3
ITEM DESCRIPTION: Zoning District Amendment #03-03 by Jack Remick to change the zoning from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19 th Street NW and west of Valleyhigh Drive NW.		PREPARED BY: Brent Svenby, Planner
May 14, 2003 <u>NOTE: See CPZC minutes from previous LUPA hearing.</u>		
<u>City Planning and Zoning Commission Recommendation:</u> The City Planning and Zoning Commission held a public hearing on April 23, 2003 to consider this zone change. The Commission also reviewed a Land Use Plan Amendment and GDP for the property. The Commission reviewed the zone change request based on the criteria as included in the staff report and recommended Approval, with staff suggested findings. Motion by Ms. Petersson, seconded by Mr. Haeussinger to recommend approval of Zoning District Amendment #03-03, with staff-recommended findings. Motion carried 8-0.		
<u>Planning Staff Recommendation:</u> See attached staff report dated April 15, 2003.		
<u>Council Action Needed:</u> <i>The Council should direct the City Attorney to prepare findings of fact reflecting the Councils decision on this zone change.</i> <i>If the Council approves this zone change as petitioned, it should instruct the City Attorney to prepare an ordinance that can be adopted supported by findings of fact and conclusions of law to amend the Zoning for the property</i>		
<u>Attachments:</u> 1. Staff Report dated April 15, 2003 2. Minutes of the April 23, 2003 CPZC Meeting (attached to LUPA RCA)		
<u>Distribution:</u> 1. City Clerk 1. City Administrator 2. City Attorney: Legal Description attached to LUPA 3. Planning Department File 4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, May 19, 2003 in the Council/Board Chambers at the Government Center, 151 4th Street SE. 6. McGhie & Betts, Inc.		
COUNCIL ACTION: Motion By: _____ Seconded By: _____ Action: _____		

011

OLOGY DR NW

CO RI

31 AVE NW

BRITANNY DR NW

25 ST NW

29 AVE NW

25 ST NW

24 ST NW

28 AVE NW

27 AVE NW

25 AVE NW

25 ST NW

26 ST NW

24 AVE NW

24 ST NW

23 ST NW

23 ST NW

21 ST NW

20 ST NW

20 AVE NW

20 AVE NW

20 ST NW

26 AVE NW

EVERGREEN DR NW

9 ST NW

22 ST NW

22 ST NW

22 ST NW

32 AVE NW

ZC #03-03 GDP #113 LUPA #03-01
Jack Remick
600' Notification Distance
Ward 3 McConnell
04/08/03

DAKOTA, MINNESOTA & EASTERN RR

INDUSTRIAL DR NW

SCHUSTER LN NW

VALLEY HIGH DR NW

21 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

25 AVE NW

HWY 14

N FRONTAGE RD

34 AVE NW
34 AVE CT NW

7 ST NW

FRONT RD

FRONT RD

LAKE RIDGE LN NW

LAKE ST NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

LAKE RIDGE LN NW

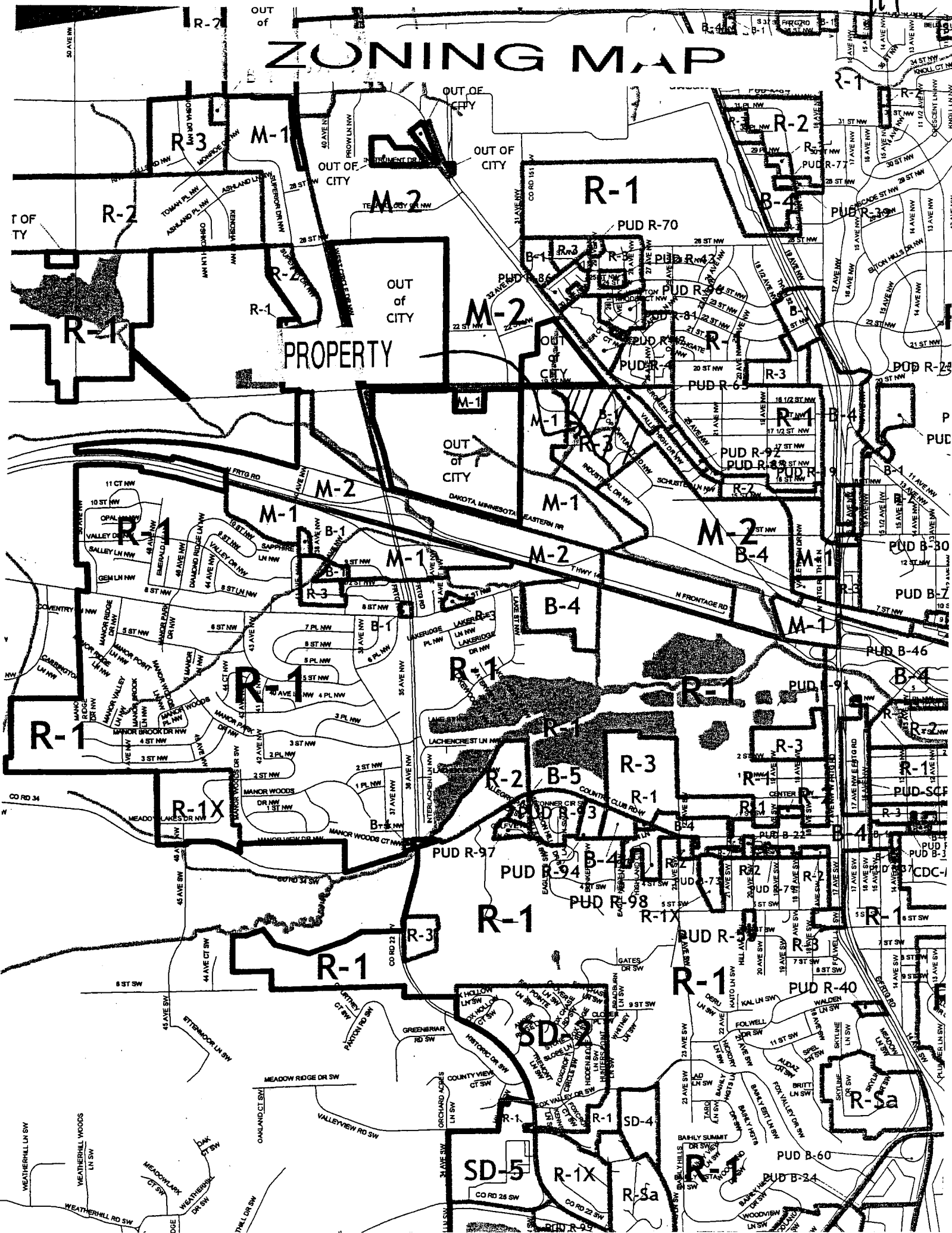
LAKE RIDGE LN NW

LAKE RIDGE LN NW

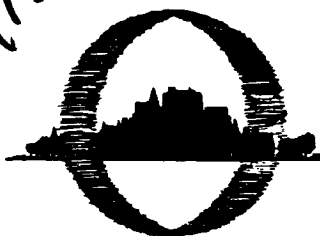
LAKE RIDGE LN NW

LAKE RIDGE LN NW

ZONING MAP



112



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: April 15, 2003

RE: Zoning District Amendment #03-03 by Jack Remick to change the zoning designation from R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district on approximately 27.63 acres of land. The property is platted as Lot 1, Block 1 and Lot 1, Block 2 Athletic Club Subdivision and is located along Industrial Drive NW, south of 19th Street NW and west of Valleyhigh Drive NW.

Planning Department Review:

Property Owner/Petitioner: Jack Remick
3100 19th Street NW
Rochester, MN 55901

Consultant: McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Location of Property: The property is located along the south side of 19th Street NW and west of Valleyhigh Drive NW.

Requested Action: The applicant is requesting to rezone approximately 27.63 acres of land from the R-3 (Medium Density Residential) to the M-1 (Mixed Commercial-Industrial) district. In 1999 the property was rezoned from the M-1 district to the R-3 zoning district.

Existing Land Use: The property is currently undeveloped.

Proposed Land Use: The applicant has also filed a Land Use Plan amendment and an amended General Development Plan that are being considered concurrent with this application. The proposed GDP identifies the property eventually being developed with commercial and industrial uses. The approved GDP identifies the property being developed with medium density residential uses.

Adjacent Land Use and Zoning:

East: The property to the east is zoned B-1 (Restricted Commercial) and is designated for "Commercial" uses. A spur line for DM&E Railroad is also located along the east property line of the site.

South: The property to the south is the Fred Schuster Industrial Park. It is zoned M-2 (Industrial) and designated for "Industrial" uses on the Land Use Plan



113

Map.

North: The property to the north is a farm that is zoned A-4 (Agricultural Urban Expansion) on the Olmsted County Zoning Map. It is designated as "Industrial" on the Rochester Urban Service Area Land Use Plan.

West: The property to the west of the site is the location of the Rochester Athletic Club. It is zoned M-1. There is also an area that is zoned R-3 that is undeveloped.

Transportation Access:

This site has frontage along 19th Street NW and Industrial Drive NW. 19th Street NW is designated as an arterial street on the Thoroughfare Plan Map. It is in close proximity to Valleyhigh Drive NW, a collector/arterial and West Circle Drive.

Wetlands:

A wetland delineation was completed in 1992 and therefore will have to be reviewed and resubmitted to the LGU for approval.

Neighborhood Meeting:

A neighborhood meeting was held on April 9, 2003. A summary of the meeting is attached.

Referral Comments:

See GDP attachments

Report Attachments:

1. Location Map
2. Area Zoning Map
3. Neighborhood Meeting Summary – see land use plan amendment report

Analysis for Zoning District Amendment:

Under the provisions of Paragraph 60.338 of the Rochester Land Development Manual, the Commission shall recommend for approval and the Council shall approve, an application requesting an amendment to the zoning map if the amendment satisfies the following criteria:

- 1) The criteria of this subdivision apply to those amendments to the zoning map filed by formal petition. An amendment need only satisfy one of the following criteria:
 - a) The area, as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;
 - b) The area was originally zoned erroneously due to a technical or administrative error;
 - c) While both the present and proposed zoning districts are consistent with the Plan, the proposed district better furthers the policies and goals of the Comprehensive Plan as found in Chapters 2 and 3 of the Rochester Urban Service Area Land Use Plan, Chapter 3 of the Housing Plan, and Chapter 10 of the ROCOG Long Range Transportation Plan; or
 - d) The area has changed or is changing to such a degree that it is in the public interest to rezone so as to encourage development or redevelopment of the area.

The Rochester Urban Service Area Land Use Plan designates this property as appropriate for "medium density residential" types of uses. A Land Use Plan amendment is being considered concurrent with this application. If the Land Use Plan amendment from "medium density residential" to "industrial" is approved, rezoning 27.63 acres of land to M-1 (Mixed Commercial - Industrial) would be consistent with the "industrial" land use designation. Prior to 1999 the property was zoned M-1 however the property owner petitioned to amend the zoning to the R-3 zoning district to develop the property with medium density residential units. That development plan is no longer being considered by the applicant.

The Land Use Plan refers to "industrial" designation as an area intended primarily for manufacturing, transportation related facilities, communication related facilities, privately owned utilities, warehousing and outside storage of materials and equipment and uses of similar character. Industrial uses are characterized by relatively high levels of truck traffic and noise.

- 2) *The criteria of this subdivision also apply to those amendments to the zoning map filed by formal petition. However, an amendment must satisfy all of the following criteria:*

- a) *the permitted uses allowed within the proposed zoning district will be appropriate on the subject property and compatible with adjacent properties and the neighborhood; and*

Uses within the M-1 Zoning District would be appropriate on the property and compatible with adjacent properties, the properties to the south, west and east are all used for industrial or commercial uses. The property to the north, across 19th Street NW, is designated for industrial types of use on the Land Use Plan Map. At this time the property is not located in the City of Rochester but it is anticipated that when the property is developed it will be with industrial or commercial uses. According to the City of Rochester Zoning Ordinance, the M-1 zoning district provides an area for a mixture of commercial uses and industrial uses which do not generate significant adverse impacts.

- b) *the proposed amendment does not involve spot zoning. (Spot Zoning involves the reclassification of a single lot or several small lots to a district which is different than that assigned to surrounding properties, for reasons inconsistent with the purposes set forth in this ordinance, the state enabling legislation, or the decisions of courts in this state).*

The amendment to M-1 would be consistent with the Rochester Urban Service Area Land Use Plan, if the Land Use Plan Amendment which is being considered concurrently is approved, and would not be considered spot zoning.

Staff Recommendation:

The Planning Commission must make a motion to recommend approval or denial of this request. The Planning Commission must also make findings to support this recommendation. This recommendation will be forwarded to the City Council and heard at a later public hearing.

The ability to consider the Zone Change and the amendment General Development Plan concurrently allows the City to consider this development proposal as a package. Based upon the accompanying General Development Plan amendment for this site and the findings above, Staff recommends approval to rezone approximately 27.63 acres from the R-3 (Medium Density Residential) to the M-1 (Mixed Commercial – Industrial) zoning district.